

REMARKS

Rejections Under 35 U.S.C. §103(a)

Claims 1-10 have been rejected as being unpatentable over EP 137986 (Kern) in view of Wideman, U.S. Patent No. 5,777,012 (Wideman).

Claim 1 has been amended to recite a concentration range for the soluble cobalt salt of from 1 to 6.3 percent by weight. Support for this amendment is found in the original claim 1 and Example IV, Table 3 at page 15. Claim 3 has been amended to recite a range for the soluble cobalt salt of from 1 to 5 percent by weight. Support is found in original claim 1 and Examples II, Table 1 at page 13 and Example III, Table 2 at page 14.

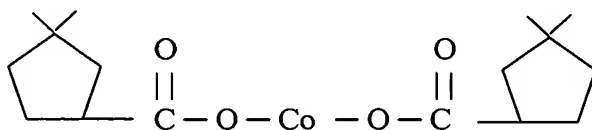
Kern teaches that adhesion-promoting additives may be added to oil in a concentration down to about 10 percent by weight (page 7, lines 14-17). The present specification teaches that cobalt salts may be added at concentrations of from 1 to 6.3 percent by weight, as indicated at Table 3 of page 15. Clearly, based on the teaching in Kern and Wideman, one skilled in the art would not expect that an oil having only 1 to 6.3 percent by weight of cobalt salt could be used to successfully coat a wire and obtain a desirable level of adhesion in a reinforced rubber. Claim 1 is, therefore, not obvious over Kern alone or in view of Wideman.

Further, as indicated in Table 3, at 6.3 percent by weight of cobalt salt in oil, the adhesion (SWAT) for Sample No. 6 is comparable to that at 12.5 percent cobalt salt in oil for Sample No. 8 and 25 percent cobalt salt in oil for Sample No. 10. This result is highly unexpected and surprising in light of the teaching in Kern, wherein it is taught that the concentration should be at least 10 percent. Thus Kern teaches away from claim 1, and the data is unexpected and surprising in light of Kern. Wideman does not teach anything about the concentration of cobalt salt usable in a naphthenic oil solution.

For these reasons, Applicants assert that claim 1, as amended, is not prima facie obvious in view of the cited art. Further, even if prima facie obviousness does exist, that obviousness is overcome by the showing of unexpected and surprising results.

Applicants urge that newly added claim 16 is fully patentable over the cited art. Claim 16 is directed to a method of using cobalt naphthenate to treat a metal cord. Nowhere does Kern teach nor make obvious the use of cobalt naphthenate. While it may be true that Wideman teaches the use of cobalt naphthenate as an adhesion promoter for use in rubber compounds, Wideman in no way suggests to one skilled in the art that cobalt naphthenate could be used in a coating method as in claim 16. Furthermore, Kern teaches that suitable

organic salts include those formed from aliphatic and aromatic mono and dicarboxylic acids. Applicants note that naphthenate is formed from neither an aliphatic nor an aromatic acid. Applicants refer now to Attachment A, an excerpt from Toxicological Profile for Cobalt, published by the U.S. Department of Health and Human Services. At page 178 of Attachment A, the structure of cobalt naphthenate is given as

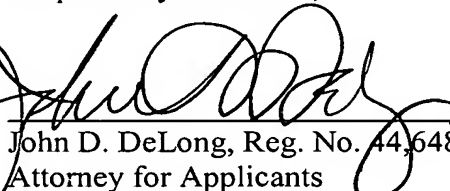


As would be appreciated by one skilled in the art, an aliphatic acid includes a substituent open carbon chain without cyclic structures. Clearly, the substituent structure for naphthenate is cyclic and cannot be construed as aliphatic or aromatic. Thus, Applicants urge that claim 16 is clearly distinguishable from the cited art, and is not obvious over Kern alone or in view of Wideman.

Conclusion

Applicants urge that for all the foregoing reasons, the present claims are fully patentable over the cited art, and respectfully request allowance of all claims.

Respectfully submitted,



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ATTACHMENT A

**DRAFT
TOXICOLOGICAL PROFILE FOR
COBALT**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Agency for Toxic Substances and Disease Registry**

September 2001

DRAFT FOR PUBLIC COMMENT

3.11.2	Reducing Body Burden	160
3.11.3	Interfering with the Mechanism of Action for Toxic Effects	161
3.12	ADEQUACY OF THE DATABASE	161
3.12.1	Existing Information on Health Effects of Cobalt	161
3.12.2	Identification of Data Needs	164
3.12.3	Ongoing Studies	173
4.	CHEMICAL AND PHYSICAL INFORMATION	175
4.1	CHEMICAL IDENTITY	175
4.2	PHYSICAL, CHEMICAL, AND RADIOLOGICAL PROPERTIES	175
5.	PRODUCTION, IMPORT/EXPORT, USE, AND DISPOSAL	185
5.1	PRODUCTION	185
5.2	IMPORT/EXPORT	191
5.3	USE	191
5.4	DISPOSAL	193
6.	POTENTIAL FOR HUMAN EXPOSURE	197
6.1	OVERVIEW	197
6.2	RELEASES TO THE ENVIRONMENT	202
6.2.1	Air	206
6.2.2	Water	207
6.2.3	Soil	209
6.3	ENVIRONMENTAL FATE	210
6.3.1	Transport and Partitioning	210
6.3.2	Transformation and Degradation	216
6.3.2.1	Air	216
6.3.2.2	Water	217
6.3.2.3	Sediment and Soil	218
6.4	LEVELS MONITORED OR ESTIMATED IN THE ENVIRONMENT	220
6.4.1	Air	220
6.4.2	Water	220
6.4.3	Sediment and Soil	227
6.4.4	Other Environmental Media	230
6.5	GENERAL POPULATION AND OCCUPATIONAL EXPOSURE	236
6.6	EXPOSURES OF CHILDREN	244
6.7	POPULATIONS WITH POTENTIALLY HIGH EXPOSURES	245
6.8	ADEQUACY OF THE DATABASE	246
6.8.1	Identification of Data Needs	247
6.8.2	Ongoing Studies	250
7.	ANALYTICAL METHODS	253
7.1	BIOLOGICAL SAMPLES	253
7.1.1	Internal Cobalt Measurements	253
7.1.2	External Radiation Measurements	257
7.2	ENVIRONMENTAL SAMPLES	259
7.2.1	Field Measurements of Cobalt	260
7.2.2	Laboratory Analysis of Environmental Samples	260
7.3	ADEQUACY OF THE DATABASE	266
7.3.1	Identification of Data Needs	266
7.3.2	Ongoing Studies	267

4. CHEMICAL AND PHYSICAL INFORMATION

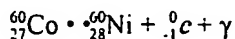
4.1 CHEMICAL IDENTITY

Cobalt is a naturally-occurring element that appears in the first transition series of Group 9 (VIII) of the periodic table along with iron and nickel. There is only one stable isotope of cobalt, ^{59}Co . There are about 26 known radioactive isotopes of cobalt, of which only two are of commercial importance, Cobalt-60 (^{60}Co) and Cobalt-57 (^{57}Co). ^{60}Co , a commonly-used source of gamma radiation, is the most important radionuclide. It is also a frequent low level contaminant of cooling water released by nuclear reactors. Table 4-1 summarizes information on the chemical identity of elemental cobalt and some common cobalt compounds.

4.2 PHYSICAL, CHEMICAL, AND RADIOLOGICAL PROPERTIES

Cobalt commonly occurs in the 0, +2, and +3 valence states. Compounds containing cobalt in the -1, +1, +4, and +5 oxidation state are few and uncommon (Cotton and Wilkinson 1980). Cobalt (II) is much more stable than Co(III), and Co^{3+} is a sufficiently powerful oxidizing agent to oxidize water, liberating oxygen. Table 4-2 summarizes important physical and chemical properties of elemental cobalt and some common cobalt compounds. These properties are similar to those of its neighbors in Group 9 of the periodic table, iron and nickel. Metallic cobalt, Co(0), occurs as two allotropic forms, hexagonal and cubic; the hexagonal form is stable at room temperature. A biochemically important cobalt compound is vitamin B12, or cyanocobalamin, in which cobalt is complexed with four pyrrole nuclei joined in a ring called the corrinoid ligand system (similar to porphyrin).

The Chemical Abstract Service (CAS) registry numbers, decay modes, half-lives, and specific activity of the three principal radioactive cobalt isotopes, ^{57}Co , ^{58}Co , and ^{60}Co , are presented in Table 4-3. ^{60}Co (half-life of 5.27 years) decays by beta decay to nickel-60, a stable isotope (ICRP 1983; Lide 1998).



The decay is accompanied by the emission of 1.173 and 1.332 Mev gamma rays. ^{57}Co (half-life of 271.8 days) and ^{58}Co (half-life of 70.9 days) decay by electron capture and electron capture/positron (β^+) emission to ^{57}Fe and ^{58}Fe , respectively.

Table 4-1. Chemical Identity of Cobalt and Selected Compounds

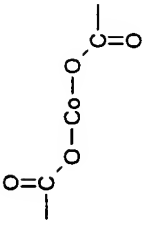
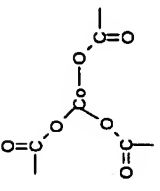
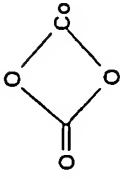
Characteristic	Cobalt	Cobalt(II) acetate	Cobalt(III) acetate	Cobalt(II) carbonate
Synonym(s)	Cobalt-59, cobalt metal	Cobaltous acetate, cobalt diacetate	Cobaltic acetate, cobalt triacetate	Cobaltous carbonate; carbonic acid; cobalt (+2) salt
Registered trade name(s)	No data	No data	No data	No data
Chemical formula	Co	$\text{Co}(\text{C}_2\text{H}_3\text{O}_2)_2$	$\text{Co}(\text{C}_2\text{H}_3\text{O}_2)_3$	CoCO_3
Chemical structure	Co			
Identification numbers:				
CAS registry	7440-48-4	71-48-7	917-69-1	513-79-10
NIOSH RTECS	GF8750000	AG3150000	No data	FF9450050
EPA hazardous waste	No data	No data	No data	No data
OHM/TADS	No data	No data	No data	No data
DOT/UN/NA/IMCO shipping ^a	UN1318	No data	No data	No data
HSDB	519	997	No data	No data
NCI	C60311	No data	No data	No data

Table 4-1. Chemical Identity of Cobalt and Selected Compounds (continued)

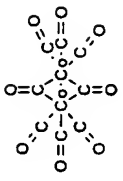
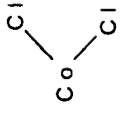
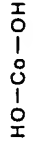
Characteristic	Cobalt carbonyl	Cobalt(II) chloride	Cobalt(II) hydroxide	Cobalt(II) mesoporphyrin
Synonym(s)	Dicobalt octacarbonyl; cobalt tetracarbonyl	Cobalt dichloride; cobaltous chloride	Cobaltous hydroxide; cobalt dihydroxide	Cobalt mesoporphyrin IX Cobalt protoporphyrin
Registered trade name(s)	No data	No data	No data	No data
Chemical formula	$\text{Co}_2(\text{CO})_8$	CoCl_2	$\text{Co}(\text{OH})_2$	$\text{C}_{34}\text{H}_{34}\text{CoN}_4\text{O}_4$
Chemical structure				
Identification numbers:				
CAS registry	10210-68-1	7646-79-9	21041-93-0	21158-51-0
NIOSH RTECS	GG0300000	GF9800000	No data	No data
EPA hazardous waste	No data	No data	No data	No data
OHM/TADS	No data	7217328	No data	No data
DOT/UN/NA/IMCO shipping	No data	No data	No data	No data
HSDB	6345	1000	No data	No data
NCI	No data	No data	No data	No data

Table 4-1. Chemical Identity of Cobalt and Selected Compounds (continued)

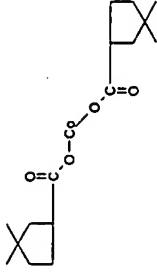
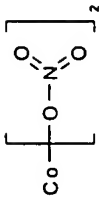
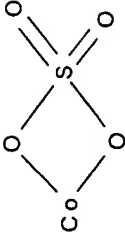
Characteristic	Cobalt(II) naphthenate	Cobalt(II) nitrate	Cobalt(II) oxide	Cobalt(III) oxide
Synonym(s)	Naftolite; naphthenic acid, cobalt salt	Cobaltous nitrate	Black 13; C.I. 77322; cobalt monoxide; cobaltous oxide	Cobalt black; cobaltic oxide; cobalt sesquioxide; cobalt trioxide; C.I. 77323
Registered trade name(s)	No data	No data	C.I. Pigment Black 13; Zaffre	No data
Chemical formula	$\text{Co}(\text{C}_{11}\text{H}_{10}\text{O}_2)_2$	$\text{Co}(\text{NO}_3)_2 \cdot 6\text{H}_2\text{O}$	CoO	Co_2O_3
Chemical structure			Co=O	$\text{O}=\text{Co}-\text{O}-\text{Co}=\text{O}$
Identification numbers:				
CAS registry	61789-51-3	10026-22-9	1307-96-6	1308-04-9
NIOSH RTECS	QK8925000	QU7355500	GG2800000	GG2900000
EPA hazardous waste	No data	No data	No data	No data
OHM/TADS	No data	No data	No data	No data
DOT/UN/NA/IMCO shipping	UN2001 (powder)	No data	No data	No data
HSDB	No data	No data	239	No data
NCI	No data	No data	No data	No data

Table 4-1. Chemical Identity of Cobalt and Selected Compounds (*continued*)

Characteristic	Cobalt(II, III) oxide	Cobalt(II) sulfate
Synonym(s)	Cobaltic-cobaltous oxide; cobalt tetraoxide, tricobalt tetraoxide, cobaltous oxide; cobalt black; C.I. Pigment Black 13	Cobalt sulfate; cobaltous sulfate
Registered trade name(s)	No data	No data
Chemical formula	Co ₃ O ₄	CoSO ₄
Chemical structure	$\text{Co} \equiv \text{O} \quad \text{O} = \text{Co} - \text{O} - \text{Co} = \text{O}$	
Identification numbers:		
CAS registry	1308-06-1	10124-43-3
NIOSH RTECS	No data	GG3100000
EPA hazardous waste	No data	No data
OHM/TADS	No data	7217330
DOT/UN/NA/IMCO shipping	No data	No data
HSDB	No data	240
NCI	No data	No data

Source: Budavari 1996; HSDB 2001; RTECS 1987

* The identification number for radioactive materials is UN2910

CAS = Chemical Abstract Service; DOT/UN/NA/IMCO = Department of Transportation/United Nations/North America/International Maritime Dangerous Goods Code; EPA = Environmental Protection Agency; HSDB = Hazardous Substances Data Bank; NCI = National Cancer Institute; NIOSH = National Institute for Occupational Safety and Health; OHM/TADS = Oil and Hazardous Materials/Technical Assistance Data System; RTECS = Registry of Toxic Effects of Chemical Substances

Table 4-2. Physical and Chemical Properties of Cobalt and Selected Compounds

Property	Cobalt	Cobalt(II)acetate	Cobalt(III)acetate	Cobalt(II) carbonate
Molecular weight	58.93	177.03	236.07	118.94
Color	Silvery gray	light pink	dark green	Red
Physical state	Solid	solid	solid	Solid
Melting point, °C	1,495	No data	decomposes at 100 • C	Decomposes
Boiling point, °C	2,870	No data	Not relevant	Not relevant
Density, g/cm ³	8.9 (20 • C)	No data	No data	4.13
Odor	No data	No data	No data	No data
Odor threshold:				
Water	No data	No data	No data	No data
Air	No data	No data	No data	No data
Solubility:				
Water	Insoluble	soluble	soluble	Insoluble
Organic solvent(s)	Insoluble	No data	soluble in alcohol, acetic acid	No data
Partition coefficients:				
Log K _{ow}	No data	No data	No data	No data
Log K _{oc}	No data	No data	No data	No data
Vapor pressure	1 mmHg at 1,910 • C	No data	No data	No data
Henry's law constant	No data	No data	No data	No data
Autoignition temperature	760 • C for dust cloud	No data	No data	No data
Flashpoint	No data	No data	No data	No data
Flammability limits	No data	No data	No data	No data
Conversion factors	Not relevant ^a	Not relevant ^a	Not relevant ^a	Not relevant ^a
Explosive limits	No data	No data	No data	No data

Table 4-2. Physical and Chemical Properties of Cobalt and Selected Compounds (continued)

Property	Cobalt carbonyl	Cobalt(II) chloride	Cobalt(II) hydroxide	Cobalt(II) mesoporphyrin
Molecular weight	341.9	129.84	92.95	621.2 ^b
Color	orange (white when pure)	Blue	rose red or blue green	No data
Physical state	solid	Solid	solid	No data
Melting point, °C	51	724	No data	No data
Boiling point, °C	decomposes	1,049	No data	No data
Density, g/cm ³	1.73 at 18 °C	3.356 (36 °C)	3.597 at 15 °C	No data
Odor	No data	No data	No data	No data
Odor threshold:				
Water	No data	No data	No data	No data
Air	No data	No data	No data	No data
Solubility:				
Water	insoluble	450 g/L at 7 °C	0.0032 g/L	No data
Organic solvent(s)	soluble in ether insoluble in naphtha	544 g/L in ethanol 86 g/L in acetone	No data	No data
Partition coefficients:				
Log K _{ow}	No data	No data	No data	No data
Log K _{oc}	No data	No data	No data	No data
Vapor pressure	199.5 at 25 °C	No data	No data	No data
Henry's law constant	No data	No data	No data	No data
Autoignition temperature, °C	No data	No data	No data	No data
Flashpoint, °C	No data	No data	No data	No data
Flammability limits	No data	No data	No data	No data
Conversion factors	Not relevant ^a	Not relevant ^a	Not relevant ^a	Not relevant ^a
Explosive limits	No data	No data	No data	No data

Table 4-2. Physical and Chemical Properties of Cobalt and Selected Compounds (continued)

Property	Cobalt(II) naphthenate	Cobalt(II) nitrate	Cobalt(II) oxide	Cobalt(III) oxide
Molecular weight	407	182.94	74.93	165.86
Color	No data	Red	Pink	Black-gray
Physical state	solid	Solid	Solid	Solid
Melting point, °C	140	Decomposes at 100-105 ^b	1,795	895 (decomposes)
Boiling point, °C	No data	Not relevant	No data	Not relevant
Density g/cm ³	0.9	2.49 ^b	6.45	5.18
Odor	No data	No data	No data	No data
Odor threshold:				
Water	No data	No data	No data	No data
Air	No data	No data	No data	No data
Solubility:				
Water	Insoluble	133.8 at 0 • C ^c	Insoluble	Insoluble
Organic solvent(s)		Soluble in ethanol, acetone	Insoluble in alcohol	Insoluble in ethanol
Partition coefficients:				
Log K _{ow}	No data	No data	No data	No data
Log K _{ow}	No data	No data	No data	No data
Vapor pressure	No data	No data	No data	No data
Henry's law constant	No data	No data	No data	No data
Autoignition temperature	No data	No data	No data	No data
Flashpoint	No data	No data	No data	No data
Flammability limits	No data	No data	No data	No data
Conversion factors	Not relevant ^a	Not relevant ^a	Not relevant ^a	Not relevant ^a
Explosive limits	No data	No data	No data	No data

Table 4-2. Physical and Chemical Properties of Cobalt and Selected Compounds (continued)

Property	Cobalt(II, III) oxide	Cobalt(II) sulfate
Molecular weight	250.80	154.99
Color	Black	Dark blue
Physical state	Solid	Solid
Melting point, °C	-O ₂ at 900–950	Decomposes at 735 •C
Boiling point, •C	Not relevant	Not relevant
Density g/cm ³	6.07	3.71
Odor	No data	No data
Odor threshold:		
Water	No data	No data
Air	No data	No data
Solubility:		
Water	Insoluble	soluble
Organic solvent(s)	No data	Slightly soluble in methanol
Partition coefficients:		
Log K _{ow}	No data	No data
Log K _{ow}	No data	No data
Vapor pressure	No data	No data
Henry's law constant	No data	No data
Autoignition temperature	No data	No data
Flashpoint	No data	No data
Flammability limits	No data	No data
Conversion factors	Not relevant ^a	Not relevant ^a
Explosive limits	No data	No data

Source: Budavari 1996; HSD8 2001; Lide 1994; Stockinger 1981; Weast 1985

^aSubstances exist in the atmosphere in the particulate state, and the concentration is expressed in weight per cubic meter.^bCAS Online^cHexahydrate

Table 4-3. Principal Radioactive Cobalt Isotopes

Isotope	CAS registry no.	Decay mode Decay mode (product)	Decay energy (MeV)	Beta radiation		Gamma radiation		Half-life
				Energy (MeV)	Intensity (percent)	Energy (MeV)	Intensity (percent)	
⁵⁵ Co	13982-25-7	E.C. β ⁺ (⁵⁵ Fe)	3.452	1.498	46	0.9312	75	17.53 hours
				1.021	25.6	0.4772	20	
				2.043	10.7	1.408	16.88	
⁵⁷ Co	13981-50-5	E.C. (⁵⁷ Fe)	0.836	0.700	99.8	0.1221	85.6	271.8 days
						0.1365	10.7	
						0.014	9.2	
⁵⁸ Co	13981-38-9	E.C. β ⁺ (⁵⁸ Fe)	2.30	1.4966	83.9	0.811	99	70.86 days
				0.4746	14.9			
⁶⁰ Co	10198-40-0	β ⁻ (⁶⁰ Ni)	2.824	0.3181	99.9	1.173	100	5.271 years
						1.332	100	

β⁻ = negative beta emission; β⁺ = positron emission; E.C. = orbital electron capture

Source: ICRP 1983; LBNL 2000; Lide 1998;